

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CONTEL CELLULAR OF	)	
KENTUCKY, INC. FOR ISSUANCE OF A	)	
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	
NECESSITY TO CONSTRUCT AN ADDITIONAL	)	CASE NO. 93-342
CELL FACILITY IN THE LOUISVILLE,	)	
KENTUCKY METROPOLITAN STATISTICAL AREA	)	
(AIRPORT SOUTH CELL FACILITY)	)	

O R D E R

On September 15, 1993, Contel Cellular of Kentucky, Inc. ("Contel Cellular") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications antenna tower in the Louisville Metropolitan Statistical Area ("Louisville MSA"). The Louisville MSA includes Bullitt, Jefferson, and Oldham counties of Kentucky. Contel Cellular has requested authorization to construct a cell site in Jefferson County, Kentucky. Contel Cellular was previously granted authority to operate a cellular radio telecommunications system in the Louisville MSA in Case No. 10169.<sup>1</sup>

The proposed cell site consists of a monopole with attached antennas, not to exceed 150 feet in height to be located at 816 Phillips Lane, Louisville, Jefferson County, Kentucky. The

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<sup>1</sup> Case No. 10169, The Application of Louisville Cellular Telephone Company, Bluegrass Cellular Telephone Partners and Central Kentucky Cellular Telephone Company for Approval of the Transfer of Ownership and Control of the Public Service Businesses of Louisville Cellular Telephone Company and Bluegrass Cellular Telephone Partners to Central Kentucky Cellular Telephone Company.

coordinates for the proposed cell site are North Latitude 38° 11' 28" by West Longitude 85° 44' 29".

Contel Cellular has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed cell site. Based upon the application, the design of the tower and foundation appears to meet the criteria of the Building Officials and Code Administrators International, Inc. National Building Code, with reference to earthquakes, winds, and tornadoes.

Pursuant to KRS 100.324(1), the proposed cell site's construction is exempt from local zoning ordinances. However, Contel Cellular has notified the Louisville and Jefferson County Planning Commission of the proposed construction. Contel Cellular has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the cell site. Both applications are pending. No further approvals of the Federal Communications Commission are required for the proposed construction.

Contel Cellular has filed notices verifying that each property owner and resident within 500 feet of the proposed cell site has been notified of the pending construction. The notice solicited any comments and informed the property owners and residents of their right to intervene. One letter was received by this Commission protesting the proposed cell site's construction. As ordered by this Commission, Contel Cellular responded to the

protestor's concerns by letter on October 14, 1993. No further comments or requests for intervention have been received by this Commission.

Pursuant to KRS 278.280, the Commission is required to determine the proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Contel Cellular should notify the Commission if it does not use this antenna tower to provide cellular telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Contel Cellular.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Contel Cellular should be granted a Certificate of Public Convenience and Necessity to construct and operate the proposed cell site in the Louisville MSA under its currently approved tariff.

IT IS THEREFORE ORDERED that:

1. Contel Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a monopole, with attached antennas, not to exceed 150 feet in height to be located at 816 Phillips Lane, Louisville, Jefferson County,

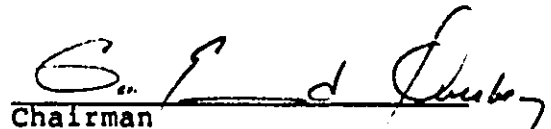
Kentucky. The coordinates for the proposed cell site are North Latitude 38° 11' 28" by West Longitude 85° 44' 29".

2. Contel Cellular shall file copies of the final decisions regarding its pending FAA and KAZC applications for this cell site's construction within 10 days of receiving these decisions.

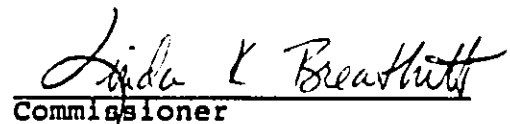
3. Contel Cellular shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 9th day of November, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director